



November 10, 2020

By Electronic Mail

Thomas Carroll
Acting Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 2201A
Washington, D.C. 20460

Re: November Update to Response to April 24, 2020 Letter from the U.S. Environmental Protection Agency

Dear Mr. Carroll:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this letter as the sixth update to its May 22, 2020 response to the April 24, 2020 letter it received from the U.S. Environmental Protection Agency (“EPA” or the “Agency”) regarding force majeure notices the Company submitted on March 16 and 18, 2020 in anticipated noncompliance with obligations under the Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018).

I. North Bend

Since our last update, construction was ongoing at North Bend for installation of equipment required under the Consent Decree. The facility did shut down on October 7, 2020, due to Hurricane Delta, and project work teams did not remobilize until October 12, 2020. The project work teams did not demobilize for Hurricane Zeta, but they broke down site cranes for safety reasons, causing a two-day delay. Birla is currently tracking Hurricane Eta, which may affect the facility. Overall delays in meeting North Bend Consent Decree deadlines are still estimated at two to four months.

II. Hickok

Construction is ongoing at Hickok for installation of equipment required under the Consent Decree. The first mechanical tie-in outage was completed on October 19, 2020. Birla received notice from its Indian manufacturer of reactor vent scrubbers that the equipment has been completed, is cleared to ship to Hickok, and is estimated to arrive by the end of January 2021. Birla is also preparing to submit a complete construction permit application. Overall delays in meeting Hickok Consent Decree deadlines are still estimated at two to four months.

We will update you with more details as they become available. Please contact David Buente at 202- 255-8684 or dbuente@sidley.com if you have any questions in the meantime.

Sincerely,



Randy Waskul
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)
Patrick Foley, U.S. EPA (by email)
Chris Williams, U.S. EPA (by email)
Carlos Evans, U.S. EPA Region 6 (by email)
Emad Shahin, U.S. EPA Region 6 (by email)
Lisa Gotto, U.S. EPA Region 7 (by email)
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